

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

MORGAN A. BETTINGER,

Plaintiff,

v.

Case No. 3:23-cv-00041-NKM

**THE RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA, ET AL.,**

Defendants.

JOINT STIPULATION OF DISMISSAL

Plaintiff, Morgan A. Bettinger, by counsel, and Defendants The Rector and Visitors of the University of Virginia, Rector Robert D. Hardie, Vice-Rector Carlos M. Brown, Robert M. Blue, Mark T. Bowles, Elizabeth M. Cranwell, Thomas A. Depasquale, U. Bertram Ellis, Jr., Paul C. Harris, Babur B. Lateef, M.D., Stephen P. Long, M.D., Paul Manning, James B. Murray, John L. Nau, the Honorable L.F. Payne, Amanda L. Pillion, Rachel W. Sheridan, Douglas D. Wetmore, James E. Ryan, and Allen W. Groves (collectively, “Defendants”), by counsel, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure hereby stipulate to the dismissal without prejudice of the named defendant, “The Board of Visitors.” The basis for this stipulation is the following:

1. The Board of Visitors is a misnomer for the Defendant, The Rector and Visitors of the University of Virginia, and is not a separate department, division, or administrative arm of The Rector and Visitors of the University of Virginia. *See* Section 23.1-2200, Code of Virginia, as amended; and

2. The parties, by counsel, agree that all purported claims and liabilities asserted by the Plaintiff against "The Board of Visitors" are claims asserted against The Rector and Visitors of the University of Virginia, which is the sole responsible party for such claims and liabilities should Plaintiff prevail thereon.

WHEREFORE, the Plaintiff and the Defendants respectfully request that the Court enter the proposed Consent Order, attached hereto as Exhibit A, that dismisses the defendant, The Board of Visitors, without prejudice.

Dated: October 10, 2023

Respectfully submitted,

MORGAN A. BETTINGER
and
THE RECTOR AND VISITORS OF
THE UNIVERSITY OF VIRGINIA,
RECTOR ROBERT D. HARDIE,
VICE-RECTOR CARLOS M. BROWN,
ROBERT M. BLUE,
MARK T. BOWLES,
ELIZABETH M. CRANWELL,
THOMAS A. DEPASQUALE,
U. BERTRAM ELLIS, JR.,
PAUL C. HARRIS,
BABUR B. LATEEF, M.D.,
STEPHEN P. LONG, M.D.,
PAUL MANNING,
JAMES B. MURRAY,
JOHN L. NAU,
THE HONORABLE L.F. PAYNE,
AMANDA L. PILLION,
RACHEL W. SHERIDAN,
DOUGLAS D. WETMORE,
JAMES E. RYAN, AND
ALLEN W. GROVES

By Counsel

WE ASK FOR THIS:

/s/ Gregory W. Brown _____

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*Counsel for All Defendants Except
The Board of Visitors*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2023, I will electronically file a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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